

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LILIANA BARRIOS-CONTRERAS,

Plaintiff,

-against-

BIG FISH ENTERTAINMENT, LLC, also known
as “MTV Entertainment Studios”; DAN
CESAREO; RASHEED DANIELS; MAX
MILLER; CHARMAINE WALKER, also known
as “Charmaine Bey”; VAN JOHNSON; COREY
ROBINSON, also known as “Phor”; DOES I
THROUGH X, INCLUSIVE; ROE,

Defendants.

23-CV-5821 (JGLC)

ORDER OF SERVICE

JESSICA G. L. CLARKE, United States District Judge:

Plaintiff brings this *pro se* action under Title VII of the Civil Rights Act of 1964, and the New York State and New York City Human Rights Laws, alleging that her employer discriminated against her based on her sex and race. Plaintiff also asserts claims under state law for defamation, slander, and intentional infliction of emotional distress. By order dated August 1, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.

DISCUSSION

A. Service on Big Fish Entertainment, LLC and Cesareo

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Big Fish Entertainment, LLC and Dan Cesareo through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

B. Service addresses for remaining Defendants

Plaintiff has not provided addresses at which Defendants Daniels, Miller, Walker, Johnson, and Robinson may be served. The Court therefore directs Plaintiff, within 30 days, to provide the Court with addresses where these defendants may be served. Upon receipt of that information, the Court will direct the issuance of summonses and service by the Marshals Service.

CONCLUSION

The Clerk of Court is instructed to issue summonses for Big Fish Entertainment, LLC and Dan Cesareo, complete the USM-285 forms with the addresses for these defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Court directs Plaintiff, within 30 days, to provide the addresses where Defendants Daniels, Miller, Walker, Johnson, and Robinson may be served. If Plaintiff fails to comply with this order within the time allowed, and she cannot show good cause to excuse such failure, the Court will dismiss her claims against these Defendants without prejudice.

The Clerk of Court is also directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: August 4, 2023
New York, New York



JESSICA G. L. CLARKE
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Big Fish Entertainment, LLC
1411 Broadway
New York, New York 10018
2. Dan Cesareo
Big Fish Entertainment, LLC
1411 Broadway
New York, New York 10018